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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/665,743 | 09/20/2000 | Eric Rosen | 990341 | 8448 |
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| 23696 | 7590 | 07/22/2005 |
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Qualcomm Incorporated
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5775 Morehouse Drive
San Diego, CA 92121-1714

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| EXAMINER |
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HARPER, KEVIN C

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| ART UNIT | PAPER NUMBER |
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2666

DATE MAILED: 07/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/665,743

Applicant(s)

ROSEN ET AL

Examiner

Kevin C. Harper

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,4,6,8,10-12,14-17,19-21,25-28,30,32-34 and 36-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8 and 46-54 is/are allowed.
- 6) ☒ Claim(s) 3,4,6,10-12,14-17,19-21,25-28,30,32-34 and 36-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Applicant's arguments filed November 16, 2004 have been fully considered but they are not persuasive. Applicant argued that Le does not disclose vocoder-like frames. However, each packet (frame) carries voice information (fig. 6) that has been inherently passed through a vocoder as defined by the IS-95 standard or IS-136 standard (fig. 1; col. 7, lines 12-21; col. 11, line 13).

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 3-4, 6, 10-12, 16, 19-21, 25-28, 32-34, 39, 41-42 and 44-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Le (US 6,466,585).

1. Regarding claims 3-4, 6, 10-12, 16, 19-21, 25-28 and 32-34, 39, 41-42 and 44-45, Le discloses a system (fig. 3) for reducing transmission overhead in a communication system (col. 4, lines 9-20). The system comprises a communication device (fig. 3, item 12) and a receiving station (item 34). The communication device comprises an inherent processor for generating a data origination message (col. 8, lines 6-21) to initiate communication with a receiving station, for transmitting in a subsequent data frame information needed to construct data network header information at the receiving station (col. 9, lines 33-40; col. 8, lines 6-21; col. 9, lines 18-21), and for subsequently formatting information to be transmitted according to a pre-determined format lacking data network header information (fig. 6; col. 9, lines 4-8; col. 9, lines 48-50). The communication device also comprises a transceiver (fig. 3, item 66; fig. 1, item 12) for transmitting the data origination message, information to construct datagrams at the receiving

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station, and formatted information. The receiving station comprises a transceiver (fig. 3, item 68) for receiving the information to construct datagrams and providing the information to an inherent second processor (item 116). The second processor configures a data packet generator (item 116) to generate datagrams to a destination data network address (item 14) across a data network (item 78) by storing information needed to construct datagrams (col. 9, lines 20-21). The packet generator generates datagrams in accordance with a data network protocol having an associated header comprising information from an inherent storage device (col. 9, lines 17-18). The formatting produces vocoder-like frames (col. 7, lines 12-21; col. 9, lines 48-50; col. 11, lines 11-13).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 30, 36-38, 40 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Le (US 6,466,585) in view of Yoon (US 5,867,782).

2. Regarding claims 30, 36-38, 40 and 43, Le discloses apparatus (fig. 3, item 34) for reducing transmission overhead in a communication system (col. 4, lines 9-20). The apparatus comprises an inherent processor for generating a data origination message (col. 9, lines 18-21) to initiate communication with a receiving station (fig. 3, item 12), for transmitting information needed to construct data network header information at the receiving station (col. 9, lines 18-21), and for subsequently formatting information to be transmitted according to a pre-determined format lacking data network header information (fig. 6; col. 9, lines 4-8; col. 9, lines 48-50). The apparatus also comprises a receiver (fig. 3, item 68; fig. 1, item 34) and a transmitter for

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transmitting the formatted information. The processor removes the data network header information (col. 9, lines 4-8) prior to formatting the information (col. 9, lines 48-50). The formatting produces vocoder like frames (col. 7, lines 12-21; col. 9, lines 48-50; col. 11, lines 11-13).

3. Le discloses setting up a special channel for the transmission (col. 9, line 20); however, Le does not disclose receiving an acknowledgement from the receiving station and transmitting formatted information after receiving the acknowledgement. Yoon discloses receiving an acknowledgement at a base station before starting a transmission (col. 4, lines 3-4, 7-15 and 34-41). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to delay transmission until an acknowledgement is received in the invention of Le in order to verify a connection is established before transmitting data on the connection (Yoon, fig. 2).

Claims 14-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Le (US 6,466,585).

4. Regarding claim 14-15 and 17, the system also includes a data packet receiver for receiving data grams from a device (item 22) across the data network (item 26). The second processor receives the datagrams and determines a second communication device for which the datagrams are intended (col. 2, lines 9-12) and removes the data network header information from the datagrams (col. 9, lines 1-8) and formats the datagrams in accordance with a predetermined format and a transmitter for transmitting the formatted information (col. 9, lines 48-50) to the second communication device (col. 9, line 18-21). However, Le does not specifically disclose more than one mobile terminal. Although, Le discloses that the system operates according to a CDMA or TDMA standard (col. 5, lines 18-22). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have more than

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one mobile terminal in the wireless network of Le and to determine which mobile terminal a data packet is directed in the invention of Le in order to support many paying customers at one network access point and to route Internet data to the proper customer among the customers using the access point.

Allowable Subject Matter

Claims 8 and 46-54 are allowed.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

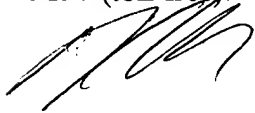
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:00 AM to 7:00 PM ET.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 571-272-3174. The centralized fax number for the Patent Office is 571-273-8300. For non-official communications, the examiner's personal fax number is 571-273-3166 and the examiner's e-mail address is kevin.harper@uspto.gov.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications associated with a customer number is available through Private PAIR only. For more information about the PAIR system, see portal.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-

9197 (toll-free).



Kevin C. Harper

July 16, 2005

Seema S. Rao
SEEMA S. RAO 7/21/05
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600